



June 8, 2021

VIA E-FILING

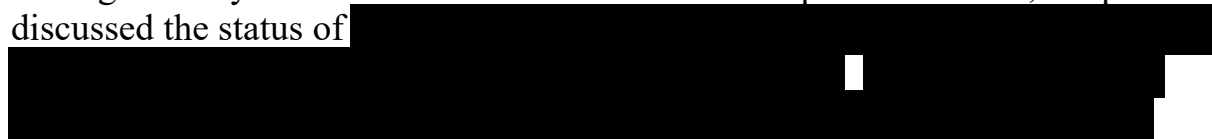
The Honorable Colm F. Connolly
J. Caleb Boggs Federal Building
844 N. King Street
Room 4124; Unit 31
Wilmington, DE 19801-3555



RE: *Par Pharmaceutical Inc., et al. v. Eagle Pharmaceuticals Inc.*
C.A. No. 18-cv-823-CFC-JLH
Par Pharmaceutical Inc., et al. v. Amneal Pharmaceuticals of New
York LLC, et al. C.A. No. 18-cv-2032-CFC-CJB (Consolidated)

Dear Judge Connolly:

During the May 26 status conference in the above-captioned actions, the parties discussed the status of



The parties have conferred, but neither Defendant is willing to make that commitment.



Accordingly, as discussed more fully below, there remains a substantial risk that that would render the trial a moot exercise and any decision based on the evidence presented at trial an advisory opinion. The risk could be ameliorated significantly if the trial were postponed until the Eagle has said it is planning to make its submission in “mid-June,” but public statements by Eagle’s CEO indicate that it has not yet completed the next round of animal testing, let alone analyzed the results.



[REDACTED] We are cognizant, however, of the burden injunction proceedings would place on the Court in the unlikely event we are wrong. To alleviate that concern, Par is willing to stipulate to having any injunction proceedings heard before a Magistrate Judge.

Par's concern is that [REDACTED] and hence affect the infringement analysis that must be conducted.

➤ In Eagle's case, [REDACTED] A major issue at trial will be whether [REDACTED] Eagle's product is [REDACTED]

- The situation with Amneal is even more difficult to evaluate.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (Via E-Mail)